

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOHN NAGEL, an individual and
MELINDA NAGEL, an individual

Plaintiffs,

vs.

THOR MOTOR COACH, INC., a
Delaware Corporation; and DOES 1
through 10, inclusive,

Defendants.

Case No.: 2:23-cv-01638-DJC-AC
Judge: Hon. Daniel J. Calabretta

**ORDER ON JOINT STIPULATION
OF DEFENDANT'S MOTION TO
TRANSFER VENUE TO INDIANA
FEDERAL COURT**

Date Filed: June 21, 2023

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT – CENTRAL
DISTRICT OF CALIFORNIA, ALL PARTIES AND THEIR COUNSEL OF
RECORD:**

Defendant's Joint Motion to Transfer Venue to Indiana Federal Court pursuant to 28 U.S.C. § 1404(a) was presented to the Court on February 14, 2024, the Honorable Daniel J. Calabretta presiding.

Upon review of the record and all briefing filed by all parties, the Court rules as follows:

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1 IT IS HEREBY ORDERED THAT:

2 1. This lawsuit was filed on June 21, 2023 in the Superior Court of the State
3 of California, for the county of Shasta, Case Number 202526, and involves allegations
4 that Defendant, THOR MOTOR COACH, INC., breached its express and implied
5 warranties, and failed to conform Plaintiffs', JOHN NAGEL and MELINDA NAGEL,
6 motor home to its warranty within a reasonable time under California's Song Beverly
7 Act. This matter was Removed to the United States District Court for the Eastern
8 District of California on August 9, 2023.

9 2. The Parties stipulate to transfer this lawsuit to the United States Federal
10 Court for the Northern District of Indiana in South Bend, Indiana based on the
11 provisions Defendant's express warranty that accompanied the sale of Plaintiffs'
12 motor home, which provides that "[e]xclusive jurisdiction for deciding legal disputes
13 relating to alleged breach of warranty or representations of any nature rest in the courts
14 within the state of manufacture, which is Indiana[;]" and

15 3. Pursuant to this Stipulation between the parties, the parties agree that
16 following transfer California's substantive law, namely the Song-Beverly Consumer
17 Warranty Act (California Civil Code §§ 1790, et seq.), shall continue to apply to all
18 claims before the Court in Indiana.

19 IT IS SO ORDERED.

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21 Dated: February 14, 2024

/s/ Daniel J. Calabretta

22 THE HONORABLE DANIEL J. CALABRETTA
23 UNITED STATES DISTRICT JUDGE
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